

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHARLES DONELSON,)
)
)
Plaintiff,) **Case No. 15-CV-95-SMY-RJD**
)
vs.)
)
DR. SHEARING, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff Charles Donelson's Motion to Appeal Magistrate Judge Decision to District Court Judge (Doc. 182). Plaintiff contends that he was not given an opportunity to respond to his recruited counsel's motion to withdraw prior to the Magistrate Judge's Order granting the motion (Doc. 177). For the following reasons, Plaintiff's motion is **DENIED** and the ruling of Magistrate Judge Daly is **AFFIRMED**.

In reviewing a magistrate judge's ruling on a non-dispositive matter, a district judge should not disturb the ruling unless it is contrary to law or clearly erroneous. 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a); SDIL-LR 73.1(a). There is no constitutional or statutory right to court-appointed counsel in a federal civil case. *See Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007). Nevertheless, 28 U.S.C. § 1915(e)(1) permits a court, in its discretion, to ask lawyers to represent indigent litigants on a volunteer basis. Once counsel is assigned, Local Rule 83.11 provides that "counsel may apply to be relieved of an order of assignment on the following grounds or on such grounds as the assigning judge finds adequate for good cause shown [...]" S.D.L.R. 83.11.

Here, Judge Daly determined, based on the allegations in Plaintiff's *pro se* motion for

new counsel recruitment (Doc. 172) and Counsel's motion to withdraw (Doc. 176), that the attorney-client relationship was beyond repair. Plaintiff does not disagree, but merely takes issue with his inability to respond to the motion prior to the termination of appointed counsel. The Court finds that Magistrate Judge Daly's ruling was neither clearly erroneous nor contrary to law. Accordingly the motion is denied.

IT IS SO ORDERED.

DATED: November 22, 2016

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge